HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1179 (S/S) 2005

Smt. Kamini Semalti W/o Sri Anil Prakash Semalti,
R/o Sector 8-B Bauradi, New Tehri,
District Tehri Garhwal. ----Petitioner.

Vs.

1. The State of Uttaranchal through
   Secretary, Education
   Civil Secretariat Uttaranchal, Dehradun.
2. District Education Officer, Tehri Garhwal,
3. Head Master,
   Primary School, Pipola (Uthad),
   Block Jakhnidhar,
   District Tehri Garhwal. ----Respondents.

Sri Lokendra Dobhal, learned counsel for the petitioner.
Learned Standing Counsel for respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Lokendra Dobhal, learned counsel for the petitioner and learned Standing Counsel who has accepted notices for the respondents.

By means of this writ petition, the petitioner has prayed to issue a writ in the nature of certiorari for quashing of the impugned transfer order dated 28.06.2005 passed by the District Education Officer, Tehri Garhwal.

Counsel for the petitioner has submitted that vide order dated 28.06.2005, the petitioner has been transferred from Primary School Pipola (Uthad), Block Jakhnidhar district Tehri Garhwal to Primary School, Kopardhar, Block Jakhnidhar, District Tehri Garhwal on the ground that she is teaching inconsistent subject.

Contention of the petitioner is that she has been transferred against the transfer policy as she has yet not completed 3 years at the present place of posting. The transfer

policy provides that the teachers working against inconsistent subject shall be transferred to the nearby areas on the vacant post. The Petitioner is still holding the charge of Assistant Teacher in Primary School, Pipola (Uthat), Block Jakhnidhar, district Tehri Garhwal as nobody has come to join the post.

In the facts and circumstances, without entering into merits of the case, I direct the petitioner to make representation to the District Education Officer, Tehri Garhwal, Narendra Nagar within a period of 10 days from t0day and the District Education Officer, Tehri Garhwal is directed to take decision on the representation of the petitioner within a period of two weeks from the date of receipt of a certified copy of this order. Till the decision is taken on the representation, the petitioner shall be permitted to continue as Assistant Teacher in Primary School Pipola (Uthad), Block Jakhnidhar district Tehri Garhwal.

With these directions, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

August 18, 2005
NCM: